

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:

TERRY JOE ROBINETTE
PHOEBE DIANE ROBINETTE

Debtors

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CASE NO. 05-14043

DECISION AND ORDER

At Fort Wayne, Indiana, on November 22, 2005.

The notice of motion and opportunity to object which debtors (hereinafter “Movants”) served in connection with their Motion to Avoid Judicial Lien on Residential Real Estate to avoid the lien of Atlas Collections c/o J. Thomas Hurley does not comply with the requirements of N.D. Ind. L.B.R. B-2002-2 because:

- a. The notice does not correctly state the date upon which the motion was filed. N.D. Ind. L.B.R. B-2002-2(c)(2). The motion was filed on September 19, 2005, while the notice refers to a motion filed on September 16, 2005.

Since creditors and parties in interest have not been given appropriate notice of the motion and the opportunity to object thereto, the court cannot grant it at this time. Movant shall prepare and serve an Amended Notice of Motion and Opportunity to Object which complies with N.D. Ind. L.B.R. B-2002-2 and file proof thereto within fourteen (14) days of this date. See, N.D. Ind. L.B.R. B-9013-4(a). The failure to do so will result in the motion being denied without prejudice and without further notice.

SO ORDERED.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court